

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

- |    |  |      |       |                |
|----|--|------|-------|----------------|
|    | Item   | Page | -2002 | (Comm. 24E-13) |
| a. | <b>COUNTY EXECUTIVE:</b> ECSD No. 3 – Blasdel Extension Agency Report.<br>(5-0)  |      |       |                |
|    | Item   | Page | -2002 | (Comm. 25E-21) |
| b. | <b>COUNTY EXECUTIVE:</b> Congestion Mitigation & Air Quality (CMAQ) Project Status –<br>Town of Cheektowaga – Various Projects.<br>(5-0)   |      |       |                |
|    | Item   | Page | -2003 | (Comm. 1D-5)   |
| c. | <b>ECWA:</b> SEQR – Negative Declaration – Notice of Determination of Non-Significance –<br>City of Tonawanda Water Improvements.<br>(5-0) |      |       |                |
|    | Item   | Page | -2003 | (Comm. 1E-34)  |
| d. | <b>COUNTY EXECUTIVE:</b> ECSD No. 3 – Proposed Extension Consolidation EC Sewer<br>Agency Report.<br>(5-0)                                 |      |       |                |
|    | Item   | Page | -2003 | (Comm. 2D-3)   |
| e. | <b>DEP:</b> SEQR – Negative Declaration – Losson Subtrunk & Elimination of Pumping Stations.<br>(5-0)                                      |      |       |                |
|    | Item   | Page | -2003 | (Comm. 2D-7)   |
| f. | <b>DEP:</b> SEQR – Negative Declaration – Proposed Rules & Regulations for ECSD No. 6 Storm<br>Sewers.<br>(5-0)                            |      |       |                |
|    | Item   | Page | -2003 | (Comm. 2D-11)  |
| g. | <b>DEP:</b> SEQR – Negative Declaration – Union Road Pumping Station & Hyland Avenue<br>Pumping Station.<br>(5-0)                          |      |       |                |
|    | Item   | Page | -2003 | (Comm. 2E-31)  |
| h. | <b>COUNTY EXECUTIVE:</b> ECSD No. 2 – Increase & Improvements of Facilities (2003) EC<br>Sewer Agency Report.<br>(5-0)                     |      |       |                |

- i. Item Page -2003 (Comm. 2E-33)  
**COUNTY EXECUTIVE:** ECSD No. 6 – A/E Agreement Dated 11/1/02 – Engineering Change Order 1 – Malcolm Pirnie.  
 (5-0)
- j. Item Page -2003 (Comm. 2E-35)  
**COUNTY EXECUTIVE:** ECSD No. 6 – Construction Inspection Services Agreement Work Order: DG-6, Comm 8E-36.  
 (5-0)
- k. Item Page -2003 (Comm. 2E-36)  
**COUNTY EXECUTIVE:** Semi-Annual Attendance Records – Boards of Managers – ECSDs.  
 (5-0)
- l. Item Page -2003 (Comm. 2M-1)  
**CHAUTAUQUA COUNTY LEGISLATURE:** Copy of Resolution Re: Requesting NYS Assistance Regarding Snowmobile Club Trail Insurance.  
 (5-0)
- m. Item Page -2003 (Comm. 3E-27)  
**COUNTY EXECUTIVE:** EC/Southtowns Sewage Treatment Agency – ECSD No. 6 A/E Agreement Dated 6/1/02 – Engineering Change Order No. 1 – Stearns & Wheler.  
 (5-0)

**AS AMENDED**

2. Item Page -2003 (Comm. 4E-45)  
**COUNTY EXECUTIVE**  
 WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Thompson Extension Project, Contract No. 7A, on January 30, 2003,

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 7A	Tom Greenauer Development, Inc. 2699 Transit Road Elma, New York 14059	\$52,320.00

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Thompson Extension Project, Contract No. 7A, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 7A	Tom Greenauer Development, Inc. 2699 Transit Road Elma, New York 14059	\$52,320.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$52,320.00 from the Sewer Operating Account of Erie County Sewer District No. 5, No. 220 851 810 826, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to Nancy Naples, Erie County Comptroller's Office and to Gregory Dudek, Assistant County Attorney, John S. Rizzo, Deputy Comptroller.  
(5-0)

3. Item Page -2002 (Comm. 19E-28)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie has secured the services of Duchscherer Oberst Design, P.C. to design the Northern Region Administration offices and garage rehabilitation in Erie County Sewer District Nos. 1, 4 and 5; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services are now completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the A/E Agreement dated June 4, 1998 with Duchscherer Oberst Design, P.C. in the amount of \$178,359.60.

NOW, THEREFORE, BE IT

RESOLVED, that the A/E Agreement dated June 4, 1998 between the County of Erie/Erie County Sewer District Nos.1, 4 and 5 and Duchscherer Oberst Design, P.C. be formally closed-out in the final amount of \$178,359.60; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close-out the contract encumbrances in Erie Sewer District Nos.1, 4 and 5, Fund 430-916 relating to the A/E

Agreement dated June 4, 1998, with Duchscherer Oberst Design, P.C. and return any unused balances to their respective sewer district operating fund balances; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy to each James Liddle, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.  
(5-0)

4.	Item	Page	-2002	<b>AS AMENDED</b> (Comm. 20E-47)
	<b>COUNTY EXECUTIVE</b>			

**A.**  
RESOLUTION NO. \_\_\_\_\_

RESOLUTION DATED \_\_\_\_\_, 2003.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF THE ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) February 13, 2003

(Adopted) \_\_\_\_\_, 2003

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated October 17, 2002 and a resolution of the Erie County Sewer District No. 2 Board of Managers dated October 17, 2002, an extension of Sewer District No. 2 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 2, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 2 with respect to the extension of the boundaries of such District, in accordance with applicable flat charges and charges based on units, assessed value and footage, specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No. 2 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No. 2 in accordance with the provisions of Sections 254 and 274 of the County Law;

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at the Erie County Legislature, 92 Franklin Street, 2<sup>nd</sup> Floor, Part 6, in Buffalo, New York, in said County, on the 20th day of March, 2003, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend the Erie County Sewer District No. 2 in said County, to be known as the Town of Brant Extension, and for such other action on the part of said County Legislature in relation thereto as may be required by law.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

#### NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at Erie County Legislature, 92 Franklin Street, 2<sup>nd</sup> Floor, Part 6, in Buffalo, New York, in said County, on the 20th day of March, 2003, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of the Erie County Sewer District No. 2 in said County.

The extension of said Erie City Sewer District No. 2 shall be known as "The Town of Brant Extension" and shall be substantially in conformity with and pursuant to a report of the Erie County Sewer Agency dated October 17, 2002 and a resolution of the Erie County Sewer District No. 2 Board of Managers dated October 17, 2002, heretofore filed with the County Legislature.

The proposed extension of the Erie County Sewer District No. 2 shall comprise the area described as follows:

(a) Lotus Bay Extension Area:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Brant, County of Erie and State of New York, commonly known as the Lotus Bay Area and part of the Wide Beach Subdivision bounded on the north by the Evangola State Park, bounded on the south by the northerly line of the Cattaraugus Indian Reservation, bounded on the east by Lake Shore Road and bounded on the west by Lake Erie, excepting and reserving therefrom the easternmost 1000 foot portion of the Wide Beach Subdivision.

(b) Brant-Farnham Extension Area

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Brant and Village of Farnham, County of Erie, State of New York, commonly known as the Brant-Farnham Area, BEGINNING at a point in the northeasterly corner of the Village of Farnham; thence southerly along the easterly bounds of the Village of Farnham to its intersection with the centerline of a tributary of Muddy Creek; thence southeasterly along the centerline of the Muddy Creek tributary to its intersection with the easterly bounds of Erie County Tax Map parcel number 5, block 2, of sheet index number 266.00 as prepared by Aero Service of Philadelphia, Pennsylvania, thence southerly along the easterly bounds of said parcel, and its extension thereof, to a point 500 feet northwesterly from the northwesterly bounds of New York State Route 20; thence southwesterly on a line parallel to and distant 500 feet northwesterly from the northwesterly bounds of New York State Route 20 to its intersection with the northerly bounds of Cattaraugus Indian reservation; thence westerly along the northerly bounds of the Cattaraugus Indian reservation to its point of intersection with a line parallel with a line parallel to and distant 500 feet northwesterly from the northwesterly bounds of New York State Route 5; thence northeasterly on the line parallel to and distant 500 feet northwesterly from the bounds of New York State Route 5, to its intersection with the westerly bounds of the Village of Farnham; thence northerly along the westerly bounds of the Village of Farnham to its intersection with the southerly bounds of Evangola State Park; thence easterly along said Park bounds to its intersection with the northerly bounds of the Village of Farnham; thence easterly along the northerly bounds of the Village of Farnham, to the point of beginning.

No additional capital improvements are proposed to be constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No. 2 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's benefit and assessment formulas, as such formulas currently exist and as amended from time to time.

Dated: Buffalo, New York,

\_\_\_\_\_, 2003.

BY ORDER OF THE COUNTY LEGISLATURE  
OF THE COUNTY OF ERIE, NEW YORK

By \_\_\_\_\_  
Laurie Manzella  
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in The Sun and in Front Page, the official newspapers of said County, and the Angola Pennysaver, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.  
(5-0)

**B.**  
RESOLUTION NO. \_\_\_\_\_

RESOLUTION DATED \_\_\_\_\_, 2003.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF  
CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE  
FACILITIES OF ERIE COUNTY SEWER DISTRICT No. 2 IN THE COUNTY OF  
ERIE, NEW YORK.

(Introduced) February 13, 2003

(Adopted) \_\_\_\_\_, 2003

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 2 of the County of Erie, New York, (the "District") has heretofore been established, and

WHEREAS, the County Legislature of the County of Erie (the "County") has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the District on December 19, 2002 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the acquisition and installation of a new disinfection system at the Big Sister Creek Waste Water Treatment Plant and the reconstruction of approximately 4,500 linear feet of sewer line, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$2,100,000, to be assessed against a benefited area which consists of the entire area of the District; and

WHEREAS, pursuant to applicable provisions of Section 268 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the expenditure of funds for said increase and improvement because the cost thereof to the Typical Property (as defined in the County Law) is as follows: \$9.00 for the Town of Hamburg, \$9.90 for the Town of Eden, \$8.00 for the Village of North Collins and \$9.12 for the Town of Evans; such costs not being above the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2<sup>nd</sup> Floor, Part 6, Buffalo, New York, in said County, on the 20<sup>th</sup> day of March, 2003, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 2 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

#### NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2<sup>nd</sup> Street, Part 6, Buffalo, New York, in said County, on the 20<sup>th</sup> day of March, 2003, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 2 in said County.

The increase and improvement of such facilities consists of the acquisition and installation of a new disinfection system at the Big Sister Creek Waste Water Treatment Plant and the reconstruction of approximately 4,500 linear feet of sewer line, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of said District on December 19, 2002.

The maximum estimated cost of such increase and improvement of facilities is \$2,100,000, to be assessed against a benefited area which consists of the entire area of said Sewer District No. 2.

The expenditures for such increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such



expenditures to the Typical Property (as defined in the County Law) is as follows: \$9.00 for the Town of Hamburg, \$9.90 for the Town of Eden, \$8.00 for the Village of North Collins and \$9.12 for the Town of Evans. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York,  
\_\_\_\_\_, 2003.

BY ORDER OF THE COUNTY  
LEGISLATURE OF THE COUNTY OF  
ERIE, NEW YORK

By \_\_\_\_\_  
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "Hamburg Sun" and in the "Front Page", the official newspapers of said County, and in "Angola Penny Saver" a news paper of general circulation, not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.  
(5-0)

C.  
RESOLUTION NO. \_\_\_\_\_

RESOLUTION DATED \_\_\_\_\_, 2003.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING (I) A PROPOSED EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 3 AND (II) THE CONSOLIDATION OF ERIE COUNTY SEWER DISTRICT NO. 3, INCLUDING ALL EXTENSIONS HERETOFORE AND HEREAFTER ESTABLISHED.

(Introduced) February 13, 2003

(Adopted) \_\_\_\_\_, 2003

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "Original District") to provide sewer services to the Village of Orchard

Park, the north and central portions of the Town of Orchard Park, the northeast portion of the Town of Hamburg and the southerly portion of the Town of West Seneca, and

WHEREAS, on March 24, 1977 an extension to the Original District known as the Armor-McKinley Extension was formed to provide sewer service the area of the Town of Hamburg north and east of the Village of Hamburg and the Greenmeadow area in the south central part of the Town of Orchard Park, and

WHEREAS, on March 24, 1977 an extension to the Original District known as the Boston Valley Extension was formed to provide sewer service to the southeast part of the Town of Hamburg, the Boston Valley portion of the Town of Boston, the northeast corner of the Town of Eden and one street partially in the southeast corner of the Town of Orchard Park, and

WHEREAS, in the Town of Holland, two extensions to the Original District were formed. The Holland Extension serves the Hamlet of Holland and was formed on July 24, 1980 and the Mountain Meadows Extension on Parker Road at the County Line was formed on February 18, 1975, (the "Town of Holland Extensions") in which no sewers have been installed, (the Original District, the Armor-McKinley Extension, the Boston Valley Extension and the Town of Holland Extensions, hereinafter collectively referred to as the "District"), and

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated December 11, 2002 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated December 11, 2002, an extension to the District has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the District, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, the proposed extension includes the reconstruction of approximately 5,000 linear feet of sewer lines; and

WHEREAS, the maximum amount to be expended for such reconstruction and extension shall be \$500,000, and such amount will be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage, specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, the estimated cost of hook up fees will be \$200 per home inspection for County built sewers, \$400 per home inspection for subdivision or privately built sewers, and a \$2 permit fee at the time of connection to the District; and

WHEREAS, pursuant to proceedings heretofore had and taken a report of the Erie County Sewer Agency dated December 11, 2002, a resolution of the Erie County Sewer District No. 3 Board of Managers dated December 11, 2002, and pursuant to Section 274-b of the County Law, a consolidation of the District has been proposed; and

WHEREAS, it is now desired to call a public hearing to consider said extension and consolidation of the District in accordance with the provisions of Sections 254, 274 and 274-b of the County Law;

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2<sup>nd</sup> Floor, Part 6, in Buffalo, New York, in said County, on the 20th day of March, 2003, at 1:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to (i) extend the District in said County, such extension to be known as "The Blasdell Extension," and (ii) consolidate the District and its extensions heretofore and hereafter established, and for such other action on the part of said County Legislature in relation thereto as may be required by law.

Section 2. It is hereby determined that all expenses of the District, including all extensions heretofore and hereafter established, shall be a charge against the entire area of the District as extended.

Section 3. The notice of such public hearing shall be in substantially the following form, to-wit:

#### NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2<sup>nd</sup> Floor, Part 6, in Buffalo, New York, in said County, on the 20th day of March, 2003, at 1:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension and consolidation of the Erie County Sewer District No. 3 in said County.

The extension of said Erie City Sewer District No. 3 shall be known as "The Blasdell Extension" and shall be substantially in conformity with and pursuant to a report of the Erie County Sewer Agency dated December 11, 2002 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated December 11, 2002 heretofore filed with the County Legislature.

The proposed extension of the Erie County Sewer District No. 3 shall comprise the entire area as follows:

**LEGAL DESCRIPTION**

**VILLAGE OF BLASDELL**

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Blasdel, Town of Hamburg, County of Erie and State of New York being part of Lots 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 40, 41, 437, 438, 439, Township 10, Range 7 and 8 of The Buffalo Creek Indian Reservation and being further described as follows:

BEGINNING at a point on the North line of the Village of Blasdel, which is also the South line of the City of Lackawanna, said point being the Intersection of the center line of South Park Avenue (66 feet wide) and center line of Willet Road (49.5 feet wide). All of the accompanying courses as outlined hereafter follow the Village of Blasdel boundary. Thence East along the center line of Willet Road a bearing of S88°-29'-43"E, a distance of 183.04 feet to a point, said point being the Northeast corner of the Village of Blasdel; thence South a bearing of S00°-27'-17"E, a distance of 1,778.46 feet to a point at the Northeast corner of sub-lot 1 of map cover 439; thence continuing South a bearing of S00°-12'-42"E, a distance of 456.24 feet to a point, said point being on the South Right of Way (ROW) of Elmwood Avenue (50 feet wide); thence East along the South ROW of Elmwood Avenue a bearing of S88°-42'-47"E, a distance of 120.0 feet to a point, said point being the Northeast corner of sub-lot 193 of map cover 439; thence South along said East line of sub-lot 193 a bearing of S00°-12'-42"E, a distance of 120 feet to a point, said point being the Southeast corner of said sub-lot 193 and the Northwest corner of sub-lot 208 of map cover 439; thence East along the North line of sub-lot 208 of map cover 439 a bearing of S88°-42'-47"E, a distance of 30 feet to a point, said point being the Northeast corner of sub-lot 208; thence South along the East line of sub-lot 208 and its extension Southerly a bearing of S00°-12'-42"E, a distance of 159.35 feet to a point, said point being on the South ROW of Oakwood Avenue (50 feet wide); thence East along the South ROW of Oakwood Avenue a bearing of S88°-50'-27"E, a distance of 188.73 feet to a point, said point being the Northeast corner of sub-lot 21 of map cover 475; thence South along the East line of sub-lot 21 a bearing of S00°-38'-52"W, a distance of 148.0 feet to a point, said point being the Southeast corner of said sub-lot 21; thence West along the South line of sub-lot 21, 20 and 19 a bearing of N88°-50'-27"W, a distance of 90 feet to a point, said point being the Northeast corner of sub-lot 95 of map cover 475; thence South along the East line of sub-lot 95 a bearing of S00°-38'-52"W, a distance of 152 feet to a point, said point being the Southeast corner of said sub-lot 95 on the North line of Lake Avenue (66 feet wide); thence West along the North line of Lake Avenue a bearing of N88°-50'-27"W, a distance of 180.0 feet to a point, said point being the Southwest corner of sub-lot 100 of map cover 475; thence North along the West line of sub-lot 100 a bearing of N00°-38'-52"E, a distance of 152.0 feet to a point, said point being the Southeast corner of sub-lot 12 of map cover 475; thence West along the South line of sub-lot 12 and 11 a bearing of N88°-50'-27"W, a distance of 60.0 feet to a point, said point being the Southwest corner of sub-lot 11 and the Northeast corner of sub-lot 6 of map cover 475; thence South along the East line of sub-lot 6 a bearing of S00°-12'-42"E, a distance of 24.0 feet to a point; thence West at a bearing of N88°-50'-28"W a distance of 6.10 feet to a point; thence South at a bearing of S00°-12'-42"E, a distance of 153.04 feet to a point,

said point being on the North line of Farm Lot 40 and former center line of Lake Avenue as laid out as a 50 feet wide road; thence continuing South at a bearing of S00°-07'-57"E, a distance of 294.75 feet to a point; thence East at a bearing of S88°-50'-27"E, a distance of 660 feet to a point; thence North at a bearing of N00°-07'-57"W, a distance of 253.75 feet to a point, said point being on the South line of Lake Avenue as laid out as a 66 feet wide road; thence East along said South line of Lake Avenue a bearing of S88°-50'-27"E, a distance of 40 feet to a point; thence South at a bearing of S00°-07'-57"E, a distance of 1,024.05 feet to a point; thence west at a bearing of N88°-50'-27"W, a distance of 700.0 feet to a point; thence South at a bearing of S00°-07'-57"E, a distance of 1,536.34 feet to a point, said point being at the center-line of Milestrip Road (49.5 feet wide); thence continuing South at a bearing of S00°-20'-22"E, a distance of 174.75 feet to a point; thence West a bearing of N88°-11'-57"W, a distance of 183.02 feet to a point, said point being on the center-line of South Park Avenue (66 feet wide); thence continuing West a bearing of S89°-46'-22"W, a distance of 1,469.90 feet to a point, said point being on the East line of Farm Lot 4 and 174.75 feet South of the Northeast corner of said lot; thence continuing West parallel to the north line of said Farm Lot 4 and at a bearing of N89°-48'-42"W, a distance of 1,380.66 feet to a point, said point being on the East ROW of Pieczonka Drive (60 feet wide); thence South along the East ROW of Pieczonka Drive a bearing of S00°-36'-30"W, a distance of 295.0 feet to a point; thence Easterly a bearing of S76°-26'-54"E, a distance of 763.49 feet to a point; thence South at a bearing of S00°-16'-18"W, a distance of 1,291.16 feet to a point; thence West a bearing of N89°-48'-42"W, a distance of 811.70 feet to a point, said point being on the West ROW of Pieczonka Drive (60 feet wide); thence North along the West ROW of said road a bearing of N00°-36'-30"E, a distance of 1,762.68 feet to a point, said point being 174.75 feet South of the North line of Farm Lot 4; thence West a bearing of N89°-48'-42"W, a distance of 1,517.28 feet to a point; thence North a bearing of N00°-55'-17"E, a distance of 2,795.90 feet to a point, said point being on the South line of sub-lot 42 map cover 550 at a distance of 28.5 feet West of the Southeast corner of said sub-lot; thence continuing North at a bearing of N00°-30'-40"E, a distance of 2902.25 feet to a point; thence East a bearing of S88°-41'-31"E, a distance of 4330.0 feet to the point of beginning.

In addition to the above stated description, Parcel's I and II were annexed into the Village of Blasdel and are described as follows:

#### PARCEL I

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York being part of Lot 439, Township 10 and Range 7 of the Buffalo Creek Indian Reservation and being further described as subdivision lots numbered 22, 23, 24, 25, 26, 27, 83, 84, 85, 86, 87, 88, 89, 90 and 91 as shown on Map Cover Number 475, as filed in the Erie County Clerk's office and being further described as follows:

COMMENCING at a point on the North line of Lake Avenue (66 feet wide) located 484.0 feet East of the East line of South Park Avenue (66 feet wide) which is also the Southwest corner of subdivision lot number 91 as shown on map cover 475; thence North along the West line of subdivision lot number 91 and the West line of subdivision lot number 22, a distance of three hundred and four feet (304') to the South line of Oakwood Avenue (50 feet wide); thence East a distance of one hundred eighty feet (180') along the South line of Oakwood Avenue and along the

North lines of subdivision lots numbered 22, 23, 24, 25, 26 and 27 to the Northeast corner of subdivision lot number 27; thence South along the East line of subdivision lot number 27, a distance of one hundred fifty-two feet (152') to the Northwest corner of subdivision lot number 85; thence East a distance of ninety feet (90') along the North line of subdivision lots numbered 85, 84 and 83 to the Northeast corner of subdivision lot number 83; thence South a distance of one hundred fifty two feet (152') along the West line of subdivision lot number 83 to the North line of Lake Avenue; thence West a distance of two hundred and seventy feet (270') along the North line of Lake Avenue and the South line of subdivision lots numbered 83, 84, 85, 86, 87, 88, 89, 90 and 91 to the point or place of beginning.

## PARCEL II

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York being part of Lot 439, Township 10 and Range 7 of the Buffalo Creek Indian Reservation and being further described as subdivision lots numbered 92, 93 and 94 as shown on map cover number 475 filed in the Erie County Clerk's Office and being further described as follows:

COMMENCING at a point on the North line of Lake Avenue (66 feet wide) 484.0 feet East of the East line of South Park Avenue (66 feet wide) which is also the Southeast corner of subdivision lot number 92 as shown on map cover 475; thence West a distance of ninety feet (90') along the North line of Lake Avenue and the South line of subdivision lots numbered 92, 93 and 94; thence North a distance of one hundred fifty two feet (152') along the West line of subdivision lot number 94 to the Northwest corner thereof; thence East a distance of ninety feet (90') along the North line of subdivision lots numbered 94, 93 and 92 to the Northeast corner of subdivision lot number 93; thence South a distance of one hundred fifty two feet (152') along the East line of subdivision lot number 92 to the North line of Lake Avenue to the point or place of beginning.

## **LEGAL DESCRIPTION**

FORD MOTOR COMPANY (V. Blasdel / T. Hamburg)

(LIBER 4566, PAGE 308)

All that tract or parcel of land, situate in the Town of Hamburg and partly in the Village of Blasdel in said Town, in the County of Erie, in the State of New York, being part of Lots Nos. 5, 6, 8, 9 and 10, Township 10, Range 8, of the Buffalo Creek Indian Reservation, bounded and described as follows, according to a survey made in July and August, 1949, by Nussbaumer, Clarke and Velzy, Inc., Engineers:

Beginning in the Easterly street line of Lake Shore Road (one hundred (100) feet in width) at a point located one thousand four hundred fifty-six and thirty one-hundredths (1,456.30) feet Southwardly, measured along said Easterly street line, from the Northerly line of Lot 8, Township 10, Range 8, of said Buffalo Creek Indian Reservation, thence, along said Easterly street line, the following three courses and distances: (1) Southwardly six hundred eighty-seven and eight-three one-hundredths (687.83) feet; (2) Southwardly, along a curve to the right, the radius of which is one

thousand four hundred ninety-nine and five-tenths (1,499.5) feet, seven hundred fifty-four and seventeen one-hundredths (754.17) feet; and (3), Southwestwardly fifty-four and eight one-hundredths (54.08) feet; thence Southeastwardly, along a line erected at right angles to the last preceding course, two hundred thirty-seven and forty-five one-hundredths (237.45) feet, more or less to a point in a line which is parallel to, and one thousand five hundred seventy-two and forty-four one-hundredths (1,572.44) feet, measured at right angles, Southwardly from a line extended Eastwardly from the point of beginning herein before set forth and erected at right angles to said Easterly line of Lake Shore Road at said point of beginning; thence Eastwardly, along said line parallel to said line so erected at right angles to said Easterly line of Lake Shore Road, one thousand eight hundred thirty-three and ninety-one one-hundredths (1,833.91) feet to a point in a curved line concentric with, and two hundred fifty (250) feet, measured radially, Westwardly from the Westerly line of the right of way of The New York Central Railroad Company; thence Northeastwardly, along said curved line, the radius of which is ten thousand seven hundred seven and ninety one-hundredths (10,707.90) feet, three hundred seventy and eight-seven one-hundredths (370.87) feet; thence Northeastwardly, along a line parallel to, and two hundred fifty (250) feet, measured at right angles, Westwardly from, said Westerly line of said right of way, eight hundred two and twelve one-hundredths (802.12) feet; thence Northeastwardly, along a curve to the left, the radius of which is five thousand thirty-eight and eighty-six one-hundredths (5,038.86) feet and which is concentric with, and two hundred fifty (250) feet, measured radially, Westwardly from, said Westerly line of said right of way, six hundred sixty-eight and seventy-two one-hundredths (668.72) feet to a point in the Southerly line of Mile Strip Road (forty-nine and five-tenths (49.5) feet in width); thence, along said Southerly line, the following two (2) courses and distances: (1) Westwardly one hundred eighty-seven and fifty-eight one-hundredths (187.58) feet and (2) Northwestwardly, along a line which forms an angle with the last preceding course, when measured clockwise therefrom, of two hundred twenty degrees fifty-eight minutes ( $220^{\circ} 58'$ ), one thousand fifty-two and forty-two one-hundredths (1,052.42) feet to a corner of land of The Federal Portland Cement Co., Inc., said corner being at the intersection of the Easterly line of said Lot 8 and the Westerly line of said Village of Blasdell; thence, along the line of said land of The Federal Portland Cement Co., Inc., the following four (4) courses and distances: (1) Southwardly, along a line which forms an angle with the last preceding course, when measured clockwise therefrom, of forty-three degrees thirty-eight minutes ( $43^{\circ} 38'$ ), one hundred three and thirty-four one-hundredths (103.34) feet; (2) Southwardly, along a line which forms an angle with the last preceding course, when measured clockwise therefrom, of one hundred eighty-four degrees two minutes ( $184^{\circ} 02'$ ), seven hundred nine and ten one-hundredths (709.10) feet; (3) Southwardly, along a line which forms an angle with the last preceding course, when measured clockwise therefrom, of one hundred seventy-five degrees fifty-eight minutes ( $175^{\circ} 58'$ ), one hundred one and ninety-six one-hundredths (101.96) feet to a point in the above mentioned line extended Eastwardly from the point of beginning at right angles to said Easterly line of Lake Shore Road; and (4) Westwardly, along said line so erected at right angles to said Easterly line of Lake Shore Road, one thousand one hundred seventy-eight and seventy-four one-hundredths (1,178.74) feet; thence Westwardly, continuing along said line so erected at right angles to said Easterly line of Lake Shore Road, four hundred fifty (450) feet, more or less, to the place of beginning; containing ninety-one and two hundred thirty-two one-thousandths (91.232) acres.

(LIBER 6934, PAGE 425)

All that tract or parcel of land, situate in the Town of Hamburg, in the County of Erie, in the

State of New York, being part of Lots Nos. 5 and 10, Township 10, Range 8, of the Buffalo Creek Indian Reservation, bounded and described as follows:

Beginning at a point in the Southerly line of land conveyed by the Grantor to the Grantee by deed dated August 22, 1949, and recorded in the Office of the Clerk of said County of Erie in Liber 4566 of Deeds at page 308; said point being located North eighty-five degrees twenty-two minutes twenty-seven seconds West (N 85° 22' 27" W) fifty-six and twenty-four one-hundredths (56.24) feet from the Southeasterly corner of said land conveyed to the Grantee; thence, through lands of the Grantor, the following five (5) courses and distances: (1) South forty-eight degrees thirty-four minutes thirty-five seconds West (S 48° 34' 35" W) four hundred twenty-three and forty one-hundredths (423.40) feet; (2) South thirty-four degrees forty-one minutes thirty-three seconds West (S 34° 41' 33" W) three hundred eighty-three and sixty-one one-hundredths (383.61) feet; (3) Southwestwardly by a curve to the right the radius of which is ten thousand nine hundred sixty and two-tenths (10,960.2) feet and the chord of which is South thirty-six degrees fifty-six minutes thirty-three seconds West (S 36° 56' 33" W) Two hundred thirty-eight and forty-eight one-hundredths (238.48) feet; (4) South thirty-seven degrees fifty-eight minutes thirty seconds West (S. 37° 58' 30" W.) one hundred thirty and one-hundredths (130.09) feet to a point distant one hundred (100) feet Northwardly from the Southerly line of said Lot No. 10, Township 10, Range 8, measured at right angles thereto; and (5) North eighty-four degrees three minutes thirty-one seconds West (N 84° 03' 31" W) one thousand three hundred fifty-four and seventy-two one hundredths (1,354.72) feet to line of land conveyed by The Stony Point Land Company to James Cocina and Carmella Cocina, his wife, by deed dated April 18, 1947, and recorded in said Office in Liber 4097 of Deeds at page 441; thence, partly along line of said last-mentioned land and partly along line of land conveyed by said The Stony Point Land company to Josef Bratek and Julia Bratek, his wife, by deed dated June 17, 1948, and recorded in said Office in Liber 4342 of Deeds at page 254, North thirty-three degrees twenty-seven minutes fifty-two seconds East (N 33° 27' 52" E) one hundred fifty-two and sixty-four one-hundredths (152.64) feet; thence, along line of said land conveyed to Josef Bratek and Julia Bratek, his wife, North fifty-one degrees fifty-seven minutes forty-two seconds West (N 51° 57' 42" W) three hundred ninety-seven and seventy-four one hundredths (397.74) feet to the Southeasterly line of the right of way of Lake Shore road; thence, along said right-of-way line of Lake Shore Road, the following two (2) courses and distances: (1) Northeastwardly by a curve to the left the radius of which is two thousand nine hundred sixty-four and seventy-nine one-hundredths (2,964.79) feet and the chord of which is North thirty-five degrees thirty-six minutes twenty-three seconds East (N. 35° 36' 23" E.) two hundred twenty-six and eighty-four one hundredths (226.84) feet, an arc distance of two hundred twenty-six and nine-tenths (226.9) feet; and (2) North thirty-three degrees twenty-seven minutes fifty-two seconds East (N. 33° 27' 52" E.) seventy-seven and six tenths (77.6) feet to line of land conveyed by said The Stony Point Land Company to George Kovach and Rosa Kovach, his wife, by deed dated April 23, 1947, and recorded in said Office in Liber 4102 of Deeds at page 42; thence, leaving said Lake Shore Road and along line of said last-mentioned land, South fifty-six degrees thirty-two minutes eight seconds East (S. 56° 32' 08" E.) three hundred eighty-eight (388) feet; thence, partly along line of said last-mentioned land and partly along line of land conveyed by said The Stony Point Land Company to Rose Kovach by deed dated November 25, 1959, and recorded in said Office in Liber 6600 of Deeds at page 495, North thirty-three degrees twenty-seven minutes fifty-two seconds East (N. 33° 27' 52" E.) two hundred twenty (220) feet; thence, along line of said land conveyed to Rose Kovach, North fifty-six degrees thirty-two minutes eight seconds West (N. 56° 32' 08" W.) four hundred twenty-eight and eighty-two one-hundredths (428.82) feet to



the Southeasterly line of said Lake Shore Road; thence, along said Southeasterly line of Lake Shore Road, the following four (4) courses and distances: (1) Northeastwardly by a curve to the left the radius of which is seven thousand five hundred fifteen (7,515) feet and the chord of which is North thirty degrees eleven minutes twelve seconds East (N. 30° 11' 12" E.) thirty-three and twenty-eight one-hundredths (33.28) feet, an arc distance of thirty-three and twenty-eight one-hundredths (33.28) feet; (2) Northeastwardly by a curve to the left the radius of which is one thousand five hundred fifteen (1,515) feet and the chord of which is North thirty degrees eleven minutes twelve seconds East (N 30° 11' 12" E) seventy-six and nine-tenths (76.9) feet, an arc distance of seventy-six and ninety-one one-hundredths (76.91) feet; (3) continuing Northeastwardly by said curve to the left the radius of which is one thousand five hundred fifteen (1,515) feet and the chord of which is North twenty-six degrees fifty-eight minutes fifty-six seconds East (N 26° 58' 56" E) sixty-eight and eight one-hundredths (68.08) feet, an arc distance of sixty-eight and nine one-hundredths (68.09) feet; and (4) North twenty-three degrees forty-nine minutes twenty-eight seconds East (N 23° 49' 28" E) forty-two and ninety-six one-hundredths (42.96) feet to the Southwesterly corner of said land conveyed by the Grantor to the Grantee by said deed dated August 22, 1949; thence, along said last-mentioned land, the following two (2) courses and distances: (1) South fifty-six degrees thirty-two minutes eight seconds East (S 56° 32' 08" E) two hundred thirty-seven and forty-five one-hundredths (237.45) feet; and (2) South eighty-five degrees twenty-two minutes twenty-seven seconds (S 85° 22' 27" E) one thousand seven hundred seventy-seven and sixty-seven one-hundredths (1,777.67) feet to the place of beginning; containing thirty-five and eight-tenths (35.8) acres.

(LIBER 7266, PAGE 585)

All that tract or parcel of land, situate in said Town of Hamburg, and being part of Lots No. 10, Township 10, Range 8, of the said Holland Land Company's Survey, bounded and described as follows:

Beginning at the Southeasterly corner of the above-described Tract No. I, said corner being in the Westerly line of land (now or formerly of Buffalo Niagara Electric Corporation) which was conveyed to Niagara, Lockport & Ontario Power Company by The Stony Point Land Company by a deed dated November 9, 1922, and recorded in the Office of the Clerk of said County of Erie in Liber 1453 of Deeds at page 440; thence, along the line of said last-mentioned land, the following five (5) courses and distances: (1) Southwardly eight hundred thirty and fifty-four one-hundredths (830.54) feet; (2) Southwestwardly, along a line which forms an angle with the last preceding course, when measured counterclockwise therefrom, of one hundred forty-eight degrees seventeen minutes fifty-eight seconds (148° 17' 58"), two hundred six and thirty-two one-hundredths (206.32) feet; (3) Westwardly, along a line which forms an angle with the last preceding course, when measured counterclockwise therefrom, of one hundred twenty-one degrees fifteen minutes forty-four seconds (121° 15' 44"). One thousand six hundred fifty-two and ninety-three one-hundredths (1,652.93) feet; (4) Southwardly, along a line which forms an angle with the last preceding course, when measured counterclockwise therefrom, of two hundred fifty-eight degrees fifty-five minutes (258° 55'), fifty-one and thirty-one one-hundredths (51.31) feet; and (5) Westwardly, along a line which forms an angle with the last preceding course, when measured counterclockwise therefrom, of one hundred one degrees thirty-five minutes (101° 35'), one hundred nineteen and ninety-six one-hundredths (119.96) feet to a corner of land formerly of The Stony Point Land company; thence

Northeastwardly, along the line of said last-mentioned land, one thousand one hundred fifty-three and seventy-five one hundredths (1,153.75) feet to the Southwesterly corner of the above-described Tract No. I; thence Eastwardly, along the line of said Tract No. I, said line being a line which forms an angle with the last preceding course, when measured counterclockwise therefrom, of one hundred eighteen degrees forty-nine minutes (118° 49'), one thousand three hundred fifty-three and twenty-six one-hundredths (1,353.26) feet to the point of beginning; containing thirty-six and three hundred seventy-four one-thousandths (36.374) acres.

(LIBER 7692, PAGE 543)

All that tract or parcel of land, situate in the Town of Hamburg, County of Erie, State of New York and being part of Lot 10, Township 10, Range 8, of the Buffalo Creek Indian Reservation, more particularly bounded and described as follows:

Commencing at the point of intersection of the Southerly line of said Lot 10 and the former Southeasterly line of Lake Shore Road, also called State Highway 5019 (as a 100.0 foot wide right-of-way); thence Northeasterly at a bearing of North 43 degrees, 25 minutes, 12 seconds East 567.05 feet along said former Southeasterly line of Lake Shore Road to an angle point; thence Northeasterly at a bearing of North 33 degrees, 27 minutes 52 seconds East 550.50 feet along said former Southeasterly line of Lake Shore Road for a total distance from said Southerly line of Lot 10 of 1117.55 feet to the Northwesterly corner of lands described in description indicted on New York State Department of Public Works – Map No. 79 Parcel No. 101-Map and Description for the Appropriation of Property-Lake Shore-Lackawanna City S.H. 5019-Mile Strip Road Interchange, Erie County, recorded in Liber 650 of Deeds at Page 19, on October 9, 1959, in Erie County Clerk's Office; thence Southeasterly at a bearing of South 56 degrees, 32 minutes, 08 seconds East along the Northerly line of said lands described in description indicated on said map recorded in Liber 6550 of Deeds at Page 19 for a distance of 21.18 feet to the easterly line of Lake Shore Road, also called State Highway 5019, as now established and the point of beginning of the lands described herein; thence continuing Southeasterly at a bearing of South 56 degrees, 32 minutes, 08 seconds East along the Northerly line of lands of Julia R. Pinter (reputed owner) for a distance of 428.82 feet to the Easterly line of said lands of Julia R. Pinter; thence Southwesterly at a being of South 33 degrees, 27 minutes, 52 seconds West along said Easterly line of lands of Julia R. Pinter for a distance of 110.0 feet to the Southerly line of said lands of Julia R. Pinter; thence Northwesterly at a bearing of North 56 degrees, 32 minutes, 08 seconds West along said Southerly line of lands of Julia R. Pinter for a distance of 425.78 feet to the Easterly line of Lake Shore Road also called State Highway 5019, as now established, and the Southeasterly corner of the aforementioned lands described in description indicated on said map recorded in Liber 6550 of Deeds at page 19; thence Northeasterly along said Easterly line of Lake Shore Road (said Easterly line being on an arc having a radius of 7515.0 feet, the chord of said arc having a bearing of North 31 degrees, 52 minutes, 53 seconds East and a length of 110.04 feet, more or less, to the point or place of beginning, containing 1.08 acres of land, more or less.

(LIBER 7692, PAGE 541)

All that tract or parcel of land, situate in the Town of Hamburg, County of Erie, State of New York and being part of Lot 10, Township 10, Range 8, of the Buffalo Creek Indian Reservation,

more particularly bounded and described as follows:

Commencing at the point of intersection of the Southerly line of said Lot 10 and the former Southeasterly line of Lake Shore Road, also called State Highway 5019 (as a 100.0 foot wide right-of-way); thence Northeasterly at a bearing of North 43 degrees, 25 minutes, 12 seconds East 567.05 feet along said former Southeasterly line of Lake Shore Road to an angle point; thence Northeasterly at a bearing of North 33 degrees, 27 minutes, 52 seconds East 440.50 feet along said former Southeasterly line of Lake Shore road for a total distance of 1,007.55 feet from said Southerly line of Lot 10 to the Northwesterly corner of lands described in description indicated on New York State Department of Public Works – Map No. 80 Parcel No. 102 – Map and Description for the Appropriation of Property – Lake Shore Lackawanna City S. H. 5019 – Mile Strip Road Interchange, Erie County, recorded in Liber 6500 of Deeds at Page 581 on October 9, 1959, in Erie County Clerk's Office; thence Southeasterly at a bearing of South 56 degrees, 32 minutes, 08 seconds East along the Northerly line of said lands described in description indicated on said map recorded in Liber 6500 at page 581 for a distance of 24.22 feet to the Easterly line Lake Shore Road also called State Highway 5019, as now established, thence continuing Southeasterly at a bearing of South 56 degrees, 32 minutes, 08 seconds East along the Northerly line of lands of Alexander Ver (reputed owner) for a distance of 200.78 feet to the point of beginning of the lands described herein; thence continuing Southeasterly at a bearing of South 56 degrees, 32 minutes 08 seconds East along the Northerly line of lands of Loretta Bahorski, Ann Weber, Mary Chentfant and Frank Ver (reputed owners) for a distance of 225.0 feet to the Easterly line of said lands of Loretta Bahorski, et al; thence Southwesterly at a bearing of South 33 degrees 27 minutes, 52 seconds West along said Easterly line of lands of Loretta Bahorski, et al, for a distance of 110.0 feet to the Southerly line of lands of Loretta Bahorski, et al; thence Northwesterly at a bearing of North 56 degrees, 32 minutes, 8 seconds West along said Southerly line of lands of Loretta Bahorski, et al; for a distance of 225.0 feet to the Westerly line of lands of Loretta Bahorski, et al; thence Northeasterly at a bearing of North 33 degrees, 27 minutes, 52 seconds East along said Westerly line of lands of Loretta Bahorski, et al, for a distance of 110.00 feet to the point or place of beginning, containing 0.57 acres of land, more or less.

(LIBER 7692, PAGE 547)

All that Tract or Parcel of Land, situate in the Town of Hamburg, County of Erie, State of New York and being part of Lot 10, Township 10, Range 8 of the Buffalo Creek Reservation, more particularly bounded and described as follows:

Commencing at the point of intersection of the Southerly line of said Lot 10 and the former Southeasterly line of Lake Shore Road, also called State Highway 5019, (as a 100.0 foot wide right-of-way); thence Northeasterly at a bearing of North 43 degrees, 25 minutes, 12 second East 567.05 feet along said former Southeasterly line of Lake shore Road to an angle point; thence Northeasterly at a bearing of North 33 degrees, 27 minutes, 52 seconds East 440.50 feet along said former Southeasterly line of Lake Shore Road for a total distance from said Southerly line of Lot 10 of 1,007.55 feet to the Northwesterly corner of lands described in description indicated on New York State Department of Public Works – Map No. 80 parcel No. 102 – Map and Description for the Appropriation of Property – Lake Shore – Lackawanna City S. H. 5019 – Mile Strip Road Interchange, Erie County, recorded in Liber 6500 of Deeds at Page 581 on October 9, 1959, in Erie

County Clerk's Office; thence Southeasterly at a bearing of South 56 degrees, 32 minutes, 08 seconds East along the Northerly line of said lands described in description indicated on said map recorded in Liber 6500 of Deeds at page 581 for a distance of 24.22 feet to the Easterly line of Lake Shore Road, also called State Highway 5019, as now established, and the point of beginning of the lands described herein; thence continuing Southeasterly at a bearing of South 56 degrees, 32 minutes, 08 seconds East along the Northerly line of lands of Alexander Ver (reputed owner) for a distance of 200.78 feet to the Easterly line of said lands of Alexander Ver; thence Southwesterly at a bearing of South 33 degrees, 27 minutes, 52 seconds West along said Easterly line of lands of Alexander Ver for a distance of 110.0 feet to the Southerly line of said lands of Alexander Ver; thence Northwesterly at a bearing of North 56 degrees, 32 minutes, 08 seconds West along said Southerly line of lands of Alexander Ver for a distance of 199.23 feet to the Easterly line of Lake Shore Road also called State highway 5019, as now established, and the Southeasterly corner of the aforementioned lands described in description indicated on said map recorded in Liber 6500 of Deeds at page 581; thence Northeasterly along said Easterly line of Lake Shore Road (said Easterly line being on an arc having a radius of 7,515.0 feet, the chord of said arc having a bearing of North 32 degrees, 39 minutes, 26 seconds East and a length of 110.01 feet, more or less) for an arc distance of 110.01 feet, more or less, to the point or place of beginning, containing 0.50 acres of land, more or less.

The proposed extension includes the reconstruction of approximately 5,000 linear feet of sewer line at the estimated maximum cost of \$500,000, and future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's benefit and assessment formulas, as such formulas currently exist and as amended from time to time.

The estimated cost of hook up fees will be \$200 per home inspection for County built sewers, \$400 per home inspection for subdivision or privately built sewers, and a \$2 permit fee at the time of connection to the District. The typical property will experience a decrease in sewer cost of approximately \$26 per year due to the extension. A detailed explanation of how the estimated cost of hook up fees and the cost of the extension were computed has been filed in the office of the Clerk to the Erie County Legislature and is open for public inspection.

The County Legislature has determined that, pursuant to Section 274-b of the County Law, all expenses of Erie County Sewer District No. 3, including all extensions as heretofore and hereafter established, shall be a charge against the entire area of the District as extended.

Dated: Buffalo, New York,

\_\_\_\_\_, 2003.

BY ORDER OF THE COUNTY LEGISLATURE  
OF THE COUNTY OF ERIE, NEW YORK

By \_\_\_\_\_  
Laurie Manzella

## Clerk, County Legislature

Section 4. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in Hamburg Sun and in Front Page, the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 5. This resolution shall take effect immediately.

(5-0)

5. Item Page -2002 **AS AMENDED**  
(Comm. 20E-50)  
**COUNTY EXECUTIVE**

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5 & 6 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2003 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized and directed to spread said 2003 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, & 6 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$ 411,776.46
Sewer District #4	\$ 347,159.42
Sewer District #5	\$ 200,322.00
Sewer District #2	
(Original & Extension)	\$ 106,770.12
Sewer District #3	
(Original District)	\$ 345,688.15
Sewer District #3	
(Boston Valley)	\$ 18,907.20
Sewer District #3	
(Armor McKinley)	\$ 98,110.80
Sewer District #3	
(Holland)	\$ 17,745.00
Sewer District #6	<u>\$1,078,071.28</u>
	\$2,624,550.43

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner; Nancy Naples, Erie County Comptroller; Joseph Maciejewski, Deputy Commissioner, Real Property; Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget, Management and Finance.  
(5-0)

6.	Item	Page	-2002	<b>AS AMENDED</b> (Comm. 24E-15)
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**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 12L to Milherst Construction, Inc.; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 12L in the amount of \$511,568.90 which includes Change Order No. 1 (final), a decrease of (\$11,075.10) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 12L between the County of Erie and Milherst Construction, Inc., 2601 Millersport Highway, Getzville, New York 14068, be accepted in the amount of \$511,568.90 which includes Change Order No. 1 (final), a decrease of (\$11,075.10); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 12L between the County of Erie and Milherst Construction, Inc. in the amount of \$511,568.90 and make final payment from Sewer Capital Account SD No. 5, Fund No. 430, Project No. 798, and return the unused portion \$11,075.10 to Unallocated Account 891; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and John S. Rizzo, Deputy Comptroller.  
(5-0)

7.	Item	Page	-2002	<b>AS AMENDED</b> (Comm. 24E-16)
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**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 41EV to Kandey Company, Inc.; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 41EV in the amount of \$388,940.00 which includes Change Order No.2 (final), a decrease of (\$51,160.00) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 41EV between the County of Erie and Kandey Company, Inc., 19 Ransier Drive, West Seneca, New York 14224, be accepted in the amount of \$388,940.00 which includes Change Order No.2 (final) , a decrease of (\$51,160.00) ; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 41EV between the County of Erie and Kandey Company, Inc. in the amount of \$388,940.00 and make final payment from Sewer Capital Account SD No.2, Fund No. 430, Project No.913, and return the unused portion \$51,160.00 to Unallocated Account 891; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney and John S. Rizzo, Deputy Comptroller.  
(5-0)

8. Item Page -2003 (Comm. 1E-25)

**COUNTY EXECUTIVE**

WHEREAS, the reclassification of the position of Supervising Maintenance Mechanic, JG 9 to a Sewer Repair Supervisor, JG 10; and the Sewage Facilities Mechanic, JG 7 to a Sr. Sewage Facilities Mechanic, JG 9 in Erie County Sewer District No. 6 has been requested by the Board of Managers; and

WHEREAS, these changes are necessary to more accurately reflect the job duties and responsibilities required for qualified individuals which involve higher level supervisory skills to handle the increased mandates imposed by State and Federal regulations; and

WHEREAS, it is requested to make the changes in the titles to allow for continued cost effective and efficiently run operations at the Lackawanna Treatment Plant.

NOW, THEREFORE, BE IT

RESOLVED, the reclassification of the position of Supervising Maintenance Mechanic, JG 9 to a Sewer Repair Supervisor, JG 10; and the Sewage Facilities Mechanic, JG 7 to a Sr. Sewage Facilities Mechanic, JG 9 in Erie County Sewer District No. 6 in the 2003 Budget is hereby approved; and be it further

RESOLVED, that the increased funding for the changes of the two positions be taken out of 2003 Budget, Erie County Sewer District No. 6, unexpended salaries; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of the approved Resolution to Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department, the Erie County Budget Office and the Erie County Comptroller.  
(5-0)

9. Item Page -2003 (Comm. 1E-28)

**COUNTY EXECUTIVE**

**WHEREAS**, The County of Erie, desires to participate in the redevelopment study and planning process for the West Valley Nuclear Facility in Cattaraugus County; and

**WHEREAS**, The West Valley Nuclear Services Center is the source of over 450 jobs for residents of Erie County, providing wages of over \$30 million and contracts with suppliers and vendors in Erie County of over \$20 million; and

**WHEREAS**, The decommissioning activity will result in a reduction in the number of jobs and a negative economic impact to Erie County and all of western New York; and

**WHEREAS**, There is an opportunity to capitalize on the physical infrastructure which exists at the West Valley facility and uniquely talented human capital working on this project; and

**WHEREAS**, The United States Economic Development Agency and Cattaraugus County are also expected to contribute to this redevelopment study and planning effort,

**NOW, THEREFORE, BE IT**

**RESOLVED**, That the County Executive is authorized to enter into contracts with the Southern Tier West Regional Planning and Development Board, in amounts not to exceed a total of \$25,000.00, for the purpose of funding redevelopment studies and planning efforts for West Valley; and be it further

**RESOLVED**, That the source of these funds shall be \$25,000.00 available in the County's Community Development Block Grant Program in the 2002 Program Year, in the Department of Environment and Planning; and be it further

**RESOLVED**, That the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning, and the County Attorney.  
(5-0)

10. Item Page -2003 (Comm. 1E-30)

**COUNTY EXECUTIVE**

**WHEREAS**, the Department of Environment and Planning has requested that the positions of Sanitary Engineer, Job Group 14 and Sr. Tax Account Clerk, Job Group 10 be created in the Division of Sewerage Management to assist with the recent Sewer District Expansions; and



WHEREAS, the newly created positions will be funded through Advanced Planning Bond Issues and other Sewer Capital Accounts and after one year, said positions will be funded through the Sewer Fund.

NOW, THEREFORE, BE IT

RESOLVED, that the creation of the positions Sanitary Engineer, Job Group 14 at a salary of \$71,855 (including Fringe Benefits) and Sr. Tax Account Clerk, Job Group 10 at a salary of \$49,582 (including Fringe Benefits) in the Division of Sewerage Management be approved; and be it further

RESOLVED, that a total of \$121,437 be transferred from the various Advanced Planning Bond Accounts and existing sewer capital accounts as determined by the Commissioner of Environment and Planning to cover the salary costs of these two positions for the remainder of 2003; and be it further

RESOLVED, that certified copies of the approved resolution be sent to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department; Joe Passafiume of the Erie County Budget Office and Nancy Naples, Erie County Comptroller.

(4-1) Legislator Dale in the negative.

11. Item Page -2003 (Comm. 2E-19)

**COUNTY EXECUTIVE**

WHEREAS, the utility aggregate experienced a growth in the number of members enrolled again in 2002, and

WHEREAS, the price of natural gas and electricity experienced fluctuations due to the tragedy of 9/11/01, and

WHEREAS, the actual expenditure for utilities within the Utility Enterprise Fund have exceeded the budget set for the year 2002 by \$5.0 million, and

WHEREAS, the bills paid under the Utility Enterprise Fund are then billed to the various municipalities and County departments as a source of revenue, and

WHEREAS, without an increase in the budget for the Utility Enterprise Fund, the utility bills cannot be paid,

NOW, THEREFORE, BE IT,

RESOLVED, that the budget for the Utility Enterprise Fund shall be increased from \$23,486,389 to \$28,486,389 with the appropriations in Account 820, Utility Expense, and the revenues in Account 487, Other General Services – Other Governments and Account 685, Interfund Revenue each being increased by \$5.0 million, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget, Management & Finance; and one copy to the Office of the Comptroller.  
(5-0)

12. Item Page -2003 (Comm. 2E-20)

**COUNTY EXECUTIVE**

WHEREAS, in a resolution dated May 9, 2002 being Communication No. 9E-24, the Erie County Legislature authorized a contract with Troy & Banks to provide utility bill review services to Erie County, and

WHEREAS, in that same resolution, payments for services rendered shall be taken from monies recovered, and

WHEREAS, Troy & Banks has examined many accounts and is presently negotiating on behalf of Erie County the amount of refunds to be made, and

WHEREAS, the Commissioner of Public Works will review the final negotiated settlement and recommend that the County accept this offer,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the Commissioner of Public Works to accept the offers made from various companies as recommended by Troy & Banks, and be it further,

RESOLVED, that the payment to Troy & Banks will be made from the money received, and be it further,

RESOLVED, that ten percent (10%) of the negotiated refunds will be kept in the Utility Enterprise Fund to be used for computerization of account data that will aid in preventing future errors that require negotiated refunds, and be it further,

RESOLVED, that the Commissioner of Public Works will credit the remainder of the amount to the respective accounts from which these bills were paid, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to Budget Management & Finance; and one copy to the Office of the Comptroller.  
(5-0)

13. Item Page -2003 (Comm. 2E-28)

**COUNTY EXECUTIVE**

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Block

Grant Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

**WHEREAS**, a major responsibility of the Department as the administrative agent, is the submittal to the federal Department of Housing and Urban Development annual grant and program application materials,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit a Year 2003 consolidated application to the federal Department of Housing and Urban Development (HUD) for the 2003 Program Year having an estimated dollar amount as indicated.

- |    |  |             |
|----|--|-------------|
| 1. | Community Development Block Grant Program: | \$3,764,000 |
| 2. | Emergency Shelter Grant Program:           | \$ 104,000  |
| 3. | HOME Investment Partnership Program:       | \$1,169,000 |

and be it further

**RESOLVED**, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to execute any and all agreements with HUD, local governments, and non-profit agencies, necessary to implement the above programs; and be it further

**RESOLVED**, that copies of this resolution shall be forwarded to the Commissioner of the Department of Environment and Planning, the County Comptroller, and the Director of the Division of Budget, Management, and Finance.  
(5-0)

14.   Item                      Page                      -2003                      (Comm. 2E-34)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management has identified the need to retain an Engineer to prepare electronic, web-based Operations and Maintenance Manuals for the Holland Wastewater Treatment Plant in Erie County Sewer District No. 3; and

WHEREAS, Erie County has retained the firm of Malcolm Pirnie, Inc., 40 Centre Drive, Orchard Park, New York 14127, to complete the preparation of electronic, web-based Operations and Maintenance Manuals for Erie County Sewer District Nos. 1, 2, 4, 5, and 6; and

WHEREAS, the Department of Environment & Planning has recommended the execution of a change order to Malcolm Pirnie's November 1, 2002 Engineering Agreement with the County to provide for the preparation of the electronic, web-based Operations and Maintenance Manual for the Holland Wastewater Treatment Plant.

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of Malcolm Pirnie, Inc., be retained at a cost not-to-exceed \$27,076.97 to prepare electronic, web-based Operations and Maintenance Manuals for the Holland Wastewater Treatment Plant in Erie County Sewer District No. 3; and be it further

RESOLVED, that the Deputy Commissioner of the Division of Sewerage Management be, and hereby is, authorized to execute a Change Order to Malcolm Pirnie's Engineering Agreement of November 1, 2002, to provide the needed services, subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED that the Director of Budget, Management and Finance be directed to allocate funds accordingly, as follows:

ECSD No. 3/Holland Fund Balance 220 853 835 698 105 \$27,076.97 to 220 853 830 Contractual Services;

and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, one copy to Nancy Naples, County Comptroller, and one copy to Gregory Dudek, Assistant County Attorney.  
(5-0)

15. Item Page -2003 (Comm. 3E-25)

**COUNTY EXECUTIVE**

**WHEREAS**, the Erie County Department of Environment and Planning monitors the Erie County Agricultural and Farmland Protection Board; and

**WHEREAS**, on December 12, 2002 the New York State Department of Agriculture and Markets selected the Erie County Agricultural and Farmland Protection Board's *Town of Brant Farmland Viability Program for Preservation, Development and Revitalization* proposal for a grant award of \$19,000; and

**WHEREAS**, on December 27, 2002 Town of Brant Supervisor Samuel J. Chiavetta, Jr. requested that Erie County serve as the contracting agent with the New York State Department of Agriculture and Markets,

NOW, THEREFORE, BE IT

**RESOLVED**, that the Erie County Executive is hereby authorized to enter into a contract with the New York State Department of Agriculture and Markets for an amount not to exceed

\$19,000 for the purpose of administering the *Town of Brant Farmland Viability Program for Preservation, Development and Revitalization*; and be it further

**RESOLVED**, that upon execution of said contract, the Erie County Executive is hereby authorized to enter into a contract with the Town of Brant for an amount not to exceed \$19,000 for the purpose of implementing the requirements of said grant award; and be it further

**RESOLVED**, that unanticipated revenue in the amount of \$19,000 from the New York State Department of Agriculture and Markets for completion of the Town of Brant Farmland Viability Program for Preservation, Development and Revitalization be appropriated in the following grant fund account:

<b><u>Revenues Account:</u></b>	<b><u>Description</u></b>	<b><u>Budget</u></b>
830	Contractual Services	\$19,000
<b>Total Revenues:</b>		<b><u>\$19,000</u></b>

and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Commissioner of the Department of Environment and Planning, the County Comptroller, the County Attorney, and the Director of the Division of Budget, Management and Finance.  
(5-0)

16. Item Page -2003 (Comm. 3E-26)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie has awarded Contract No.52ED to C.M.H. Co, Inc. on June 6, 2002; and

WHEREAS, the Erie County Division of Sewerage Management as advised the Legislature that scheduled improvements are now completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the final acceptance of Contract No.52ED in the amount of \$324,381.20 which includes the Final Change Order, a decrease of \$68,479.80, and the processing of the final payment and release of retention.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No.52ED between the County of Erie/Erie County Sewer District No.2 and C.M.H. Co., Inc., 2067 Old Union Road, Cheektowaga, New York 14227 be accepted in the amount of \$324,381.20, which includes the Final Change Order, a decrease of \$68,479.80; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No.52ED between the County of Erie/Erie County Sewer District No.2 and C.M.H. Co., Inc., in the amount of \$324,381.20 and make final payment from Erie County Sewer District No.2 Bond Account, Fund No.430, Project No.913, and return the unused portion of \$68,479.80 to Unallocated Account; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Gregory Dudek, Assistant County Attorney Joseph Passafiume, Director of Budget Management and Finance, and Nancy Naples, Erie County Comptroller.

(5-0)

17. Item Page -2003 (Comm. 3E-28)

**COUNTY EXECUTIVE**

WHEREAS, Debt Service Project 063330 will be closed out in 2003; and

WHEREAS, there is a cash balance of \$146.68 as of December 31, 2002; and

WHEREAS, there is no debt service remaining for this project; and

WHEREAS, Erie County Sewer District No. 1 has created a Capital Reserve Account for future construction; and

WHEREAS, the use of said cash will have no impact on the approved 2003 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the cash balance of \$146.68 and any additional accrued interest be transferred from the Debt Service Fund into Erie County Sewer District No. 1's Capital Reserve Account for future plant improvements, equipment and new sewer extensions; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget and Management and Gregory Dudek, Assistant County Attorney.

(5-0)

18. Item Page -2003 (Comm. 3E-29)

**COUNTY EXECUTIVE**

WHEREAS, Debt Service Project 071303 will be closed out in 2003; and

WHEREAS, there is a cash balance of \$1,067.14 as of December 31, 2002; and

WHEREAS, there is no debt service remaining for this project; and

WHEREAS, Erie County Sewer District No. 5 has created a Capital Reserve Account for future construction; and

WHEREAS, the use of said cash will have no impact on the approved 2003 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the cash balance of \$1,067.14 and any additional accrued interest be transferred from the Debt Service Fund into Erie County Sewer District No. 5's Capital Reserve Account for future plant improvements, equipment and new sewer extensions; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget and Management and Gregory Dudek, Assistant County Attorney.  
(5-0)

19. Item Page -2003 (Comm. 3E-30)

**COUNTY EXECUTIVE**

WHEREAS, these Debt Service Projects will be closed out in 2003; and

WHEREAS, there are cash balances in these projects as of December 31, 2002 as follows:

<u>Debt Service Project</u>	<u>Balance</u>
062301	\$ 45.76
067304	\$ 1,434.37
430-501	\$142,034.62
430-505	\$133,042.18

and

WHEREAS, there is no debt service remaining for these projects; and

WHEREAS, Erie County Sewer District No. 2 has created a Capital Reserve Account for future construction; and

WHEREAS, the use of said cash will have no impact on the approved 2003 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the cash balances, as listed above, and any additional accrued interest be transferred from the Debt Service Fund into Erie County Sewer District No. 2's Capital Reserve Account for future plant improvements, equipment and new sewer extensions; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget and Management and Gregory Dudek, Assistant County Attorney.  
(5-0)

20. Item Page -2003 (Comm. 3E-31)

**COUNTY EXECUTIVE**

WHEREAS, the Debt Service Projects listed below will be closed out in 2003; and

WHEREAS, there are cash balances as of December 31, 2002 as follows:

<u>Debt Service Project</u>	<u>Balance</u>
063302	\$340.28
067305	\$ 63.81
072308	\$308.81

and

WHEREAS, there is no debt service remaining for these projects; and

WHEREAS, the use of said cash will have no impact on the approved 2003 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the cash balances, as listed above, and any additional accrued interest be transferred from the Debt Service Fund into Erie County Sewer District No. 3's Operating Fund; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget and Management and Gregory Dudek, Assistant County Attorney.  
(5-0)

21. Item Page -2003 (Comm. 3E-33)

**COUNTY EXECUTIVE**

WHEREAS, household hazardous waste is being generated by residents in Erie County, and

WHEREAS, improper disposal of household hazardous waste has the potential of contaminating air, land, and waters of Erie County, and

WHEREAS, continued storage of hazardous household products in the home constitutes a danger to the occupants and the community, and



WHEREAS, Erie County has successfully conducted a model Household Hazardous Waste Collection Program since 1988, servicing over 32,000 residents within Erie County, and

WHEREAS, the Erie County Program is dependent upon the cooperation and financial and other support of local sponsoring municipalities, and

WHEREAS, the City of Buffalo, Town of Amherst, and the NorthEast SouthTowns (NEST) Solid Waste Board have all indicated an interest and willingness to support a household hazardous waste collection in their respective jurisdictions,

NOW, THEREFORE BE IT

RESOLVED, that the Department of Environment and Planning be authorized to schedule and conduct a household hazardous waste collection event on Saturdays, from 9:00 AM to 2:00 PM, in cooperation with each of the above mentioned jurisdictions, and be it further

RESOLVED, that the tentatively identified location and date for each event is as follows:

<u>Municipality</u>	<u>Location</u>	<u>Date</u>
Amherst	ECC North Campus	May 10, 2003
Orchard Park	ECC South Campus	June 21, 2003
Erie County	To Be Determined	July 19, 2003
Buffalo	To Be Determined	September 6, 2003

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; and the County Comptroller.

(5-0)

22. Item Page -2003 (Comm. 3E-34)

**COUNTY EXECUTIVE**

WHEREAS, the Coalition Against Nuclear Materials in Tonawanda (CANiT) is a bipartisan group of elected officials whose goal is the complete and safe removal of radioactively contaminated material originating from the Manhattan Engineering District Project atomic bomb research and development from the Town of Tonawanda; and

WHEREAS, in order to effectively monitor the work of the United States Department of Energy, it is necessary to retain technical consulting services for interpretation of documents associated with the Tonawanda Formerly Utilized Sites Remedial Action Program remedial cleanup actions; and

WHEREAS, a competitive selection process conducted by a committee of CANiT to review proposals from consultants, resulted in the selection of MJW Corporation, Inc. (MJW), for award of a contract; and

WHEREAS, the County Executive, through authorization by Legislative resolution (Ref. Intro. 16-8) dated July 12, 2001, executed a contract with MJW to provide technical consultation support to CANiT; and

WHEREAS, the current contract time period has been extended on an annual basis, and the present expiration date is December 31, 2002; and

WHEREAS, the 2002 Erie County Budget allocated \$20,000 in funds for technical consultant services to CANiT;

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into an amended contract with MJW to reflect additional funding of \$20,000, and be it further

RESOLVED, that the source of funds for this amendment shall be money appropriated for this purpose in the 2002 Erie County Budget for the Department of Environment and Planning in Account 830, Contractual Services (DAC 110 9456298301477), and be it further

RESOLVED, that the current contract will remain in effect until all allocated funding is depleted or until the contract is terminated in accordance with the provision specified in the current contract, and be it further

RESOLVED, that a certified copy of this resolution be sent to Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Attorney; and the Office of the Comptroller.  
(5-0)

23. Item Page -2003 (Comm. 3E-35)

**COUNTY EXECUTIVE**

WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the United States Environmental Protection Agency (USEPA) has identified Erie County as high risk for radon potential; and

WHEREAS, Erie County has established and operated a very successful Radon/Indoor Air Quality Program for several years and has acquired valuable experience and expertise; and

WHEREAS, the County Executive received authorization through a resolution (Comm. 14E-40) dated July 6, 2000 to execute contracts for Erie County Department of Environment and

Planning to provide residents with radon risk reduction and awareness associated with the New York State Department of Health State Indoor Radon Grant (SIRG) 10 Grant Program; and

WHEREAS, sufficient funds are available within the personnel and fringe benefits accounts of this grant to fund this position.

NOW, THEREFORE BE IT

RESOLVED, that the following position be created in the Department of Environment and Planning funded entirely from the budget for the SIRG 10 Program (SFG #563):

Junior Environmental Education Specialist (JG-7)

and be it further

RESOLVED, that a certified copy of this resolution be sent to the Director of Budget, Management and Finance; the Commissioner of Personnel; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Attorney; and the Office of the Comptroller.  
(5-0)

24. Item Page -2003 (Comm. 3E-36)

**COUNTY EXECUTIVE**

WHEREAS, funds have been received from the United States Environmental Protection Agency to enhance the Erie County's Local Emergency Planning Committee's activities, and

WHEREAS, a resolution (20E-35) was passed on December 12, 2002 for this purpose, and

WHEREAS, these funds will be used to enhance the Erie County Local Emergency Planning Committee's activities, and

WHEREAS, funds need to be transferred from Contractual to a personnel line, and

WHEREAS, the funds on the personnel line will allow the Department of Emergency Services to hire an Intern,

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to revise the grant from the United States Environmental Protection Agency, to allow the Department of Emergency Services to establish a personnel line to allow the hiring of an Intern to update the Erie County Local Emergency Planning Committee's activities, and be it further

RESOLVED, that the following budgetary transactions are authorized in order to revise the grant which will assist the Department of Emergency Services for the Erie County Local Emergency Planning Committee:

Department of Emergency Services  
United States Environmental Protection Agency Grant

Revenue	Proposed Revision	New Total
SFG684 - Federal Aid – Other	<u>\$0</u>	<u>\$59,400.</u>
TOTAL	\$0	\$59,400.
Appropriations		
SFG800 – Personnel Costs	\$+20,000	\$ 20,000
SFG821 – Dues and Fees		\$ 10,000
SFG825 – Long Distance Travel		2,000
SFG826 – Other Expenditures		5,000
SFG830 – Contractual	\$-20,000	0
SFG933 – Lab and Technical Equipment		<u>22,400</u>
TOTAL		\$ 59,400

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Personnel and the Department of Emergency Services.  
(5-0)

**JEANNE Z. CHASE**  
**CHAIRPERSON**